

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE: AMERICAN EXPRESS ANTI-STEERING
RULES ANTITRUST LITIGATION

ORDER

This Document Relates to:

11-MD-2221 (NGG) (RER)

All Individual Merchant Plaintiff Actions

08-CV-2315 (NGG) (RER)

08-CV-2316 (NGG) (RER)

08-CV-2317 (NGG) (RER)

08-CV-2380 (NGG) (RER)

08-CV-2406 (NGG) (RER)

11-CV-0337 (NGG) (RER)

11-CV-0338 (NGG) (RER)

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NICHOLAS G. GARAUFIS, United States District Judge.

The court is in receipt of the parties' joint letter regarding next steps in the Merchant Plaintiffs' Action following the Supreme Court's decision in Ohio v. American Express Co., 138 S. Ct. 2274 (2018). (See July 9, 2018, Letter (Dkt. 810).)

The court GRANTS the Merchant Plaintiffs leave to file an amended complaint, which they are directed to file by no later than July 27, 2018. Defendants shall answer or otherwise respond to the amended complaint by no later than 21 days after service thereof. See Fed. R. Civ. P. 12(a)(1)(A)(i).

Regarding Defendants' anticipated amended and restated motion for summary judgment as to an American Express-only market (see Dkt. 277), the court sets the following briefing schedule: Defendants shall serve their anticipated motion by no later than August 17, 2018; the Merchant Plaintiffs shall serve their response by no later than September 14, 2018; and

Defendants shall serve their reply, if any, and file the fully briefed motion by no later than October 12, 2018.

Regarding Defendants' anticipated "additional" motion for summary judgment, the court sets the following briefing schedule: Defendants shall serve their anticipated motion by no later than August 17, 2018; the Merchant Plaintiffs shall serve their response by no later than September 14, 2018; and Defendants shall serve their reply, if any, and file the fully briefed motion by no later than October 12, 2018.

The court DENIES the request for a case management conference. The court reserves decision on the request for oral argument, pending review of the parties' submissions.

The court DIRECTS the parties to contact Magistrate Judge Ramon E. Reyes regarding all remaining discovery matters, including the Merchant Plaintiffs' anticipated new or amended motion for supplemental discovery (see Dkt. 792).

Jury selection is scheduled to begin on April 15, 2019. Trial is scheduled to begin on April 29, 2019.

SO ORDERED.

Dated: Brooklyn, New York
July 10, 2018

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/s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge